

**CITY OF MUSKEGON**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

DATE OF MEETING: Thursday, June 16, 2016  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of Minutes from the regular meeting of April 14, 2016.
- III. Public Hearings
  - A. **Hearing, Case 2016-08:** Request for a special land use permit to allow a church in a B-2, Convenience & Comparison Business district at 1965 Lakeshore Dr, by The Table Church.
  - B. **Hearing, Case 2016-09:** Request for a special land use permit to allow a day center to provide programs in support of homeless families in an R-1, Single Family Residential district at 2160 Crozier Ave, by Family Promise of the Lakeshore.
  - C. **Hearing, Case 2016-10:** Staff-initiated request to create a new zoning district, Lakefront Recreation & Residential PUD district.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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Ann Marie Cummings, City Clerk  
933 Terrace Street  
Muskegon, MI 49440  
(231) 724-6705

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CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**April 14, 2016**

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Mazade, J. Doyle, E. Hood, F. Peterson, J. Montgomery-Keast, S. Gawron, B. Smith

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: C. Wagner, Best Credit Union, 1880 E Sherman Blvd.; J. Vandenberg, CDF; K. Anderson, Civil Environmental Consultants; T. Weber, Construction Manager; P. Sanchez, Project Engineer; M. McDermott, MCC Athletic Director

ELECTION OF OFFICERS

A motion to retain T. Michalski as Chairperson and B. Larson as Vice-Chairperson was made by J. Doyle, supported by F. Peterson and unanimously approved, with T. Michalski, B. Mazade, J. Doyle, E. Hood, F. Peterson, J. Montgomery-Keast, S. Gawron, and B. Smith voting aye.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 11, 2016 be approved, was made by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

PUBLIC HEARINGS

**Hearing, Case 2016-06:** Request for a special land use permit to allow a drive-thru restaurant at 1887 & 1895 E. Sherman Blvd, by Chicago Diversified Foods. M. Franzak presented the staff report. The applicant is seeking to build a Taco Bell fast food restaurant with a drive-thru at 1887 and 1895 E Sherman Blvd. The two parcels combined measure roughly 182' x 243', equaling about 1.02 acres. Drive-thru restaurants that are located in B-4 districts on major streets must receive a Special Land Use Permit from the Planning Commission and meet the following requirements: a) a setback of at least 60 feet from the street right-of-way line of any existing or proposed major thoroughfare shall be maintained, and b) ingress and egress points shall be located at least 60 feet from the intersection of any two streets. The property is not located at an intersection of two streets, but a 60-foot setback from the road must be maintained. The plan shows a setback of just over 60 feet from the beginning of the right-of-way. The proposed building measures 2,400 square feet and meets all applicable setbacks. The plan also meets the parking requirements with 44 proposed spaces. There is proper ingress and egress to the site, with two curb cuts to Sherman Blvd, each allowing for one-way traffic. There is also an addition ingress/egress from the back of the property to the south. There is proper stacking spaces for cars for the drive-thru. The landscaping plan goes above and beyond ordinance requirements and the dumpsters will be screened with a fence and landscaping. There are

no sidewalks on this property, nor are there any on the adjacent properties on Sherman Blvd. The Fire Marshall has noted that the closest available fire hydrant is in Fruitport Township jurisdiction behind this property. He states that the developer may need to submit a letter of request to Fruitport Township to calculate this fire hydrant into their fire protection requirements. The Department of Public Works has noted that the City of Muskegon water and sewer utilities are located in Sherman Blvd, but the plans show the restaurant hooking up to Fruitport Township utilities. They recommend checking with Fruitport Township for permission to hook up to their utilities. Notice was sent to properties within 300 feet of the subject properties. Staff received one comment from Best Financial Credit Union, located at 1880 E Sherman Blvd. They have concerns about traffic coming from the east; they have noticed that when cars turn left into Wendy's (located just west of the proposed Taco Bell), it cuts off access to their property. The credit union can have up to 400 ATM transaction per day, in addition to over several hundred inside transactions. They have noticed a car accident at least once every quarter.

T. Michalski asked why they would be hooked up to Fruitport utilities. M. Franzak stated that this area was right on the border of Muskegon and Fruitport Township, with Township property located directly behind the subject property. C. Wagner represented Best Financial Credit Union and discussed traffic congestion in the area. They were not necessarily opposed to new development, but they were concerned about the added traffic interfering with access to their property. Staff and board members discussed possible solutions to the traffic issues and determined that the Muskegon County Road Commission controlled Sherman Blvd. J. Vandenberg described the proposed restaurant and layout. He stated that curb cuts were already present on the lot, and he didn't think that a new Taco Bell restaurant at that location would negatively affect credit union traffic. As far as utilities, he stated that someone from Fruitport Township suggested that they hook up to Fruitport utilities, since City utility hook-up would require disruption to Sherman Blvd.

A motion to close the public hearing was made by B. Mazade, supported by B. Smith and unanimously approved.

A motion that the Special Land Use Permit for the drive-thru restaurant at 1887 & 1895 East Sherman Blvd. be approved as proposed with the conditions that 1) the two properties must be combined, and 2) all utility hook-up and fire hydrant concerns listed in the site plan are addressed before a building permit is issued, was made by B. Smith, supported by E. Hood and approved, with T. Michalski, B. Mazade, J. Doyle, E. Hood, F. Peterson, J. Montgomery-Keast, S. Gawron, and B. Smith voting aye.

## NEW BUSINESS

**Case 2016-07: Request for a site plan review for an addition to the gymnasium and a new practice baseball field at 221 S. Quarterline Road, by Muskegon Community College.** M. Franzak presented the staff report. The applicant is seeking approval for a 39,566 square-foot, 2-story addition to the current gymnasium. The proposed practice baseball field measures 150 x 240 feet and will be located just north of the existing baseball field. The plans meet all applicable setback requirements. The property is zoned RM-1, Medium Density Multiple Family Residential, as is the rest of the Muskegon Community College campus. The plan calls for the removal of 30 parking spaces to the west of the current gymnasium and some realignment of a few parking spaces to the south; however, the campus already has more than enough parking spaces to meet the ordinance requirements. The plan also calls for the removal of several canopy trees, but these will be replaced around the building and in new landscape islands in the parking lot. The Engineering Department has approved the stormwater management plan. A retention basin will be located just west of the proposed practice field. The Department of Public Works has noted that master meters need to be installed at the Quarterline service connection and on the new Marquette service connection. All internal meters will be eliminated.

P. Sanchez described the site and provided renderings of the building. He discussed the uses for the building and the parking. J. Doyle asked if the building would be open to the public. M. McDermott stated that the college planned to sell a limited number of gym memberships to the public. They also planned to have a primary care medical office on site.

A motion that the site plan for the building addition and practice field addition at 221 South Quarterline Road be approved with the conditions that 1) Master meters be installed at the Quarterline service connection and on the new Marquette service connection, and 2) the Fire Department conditions are met: Specifically, fire flow water supply testing shall be conducted and data submitted to the local Fire Marshal and the contracted fire protection/suppression company and at least one fire hydrant shall be located within 150 feet of the fire department connection straight away with no turns or obstructions, was made by J. Doyle, supported by S. Gawron and unanimously approved, with T. Michalski, B. Mazade, J. Doyle, E. Hood, F. Peterson, J. Montgomery-Keast, S. Gawron, and B. Smith voting aye.

#### OLD BUSINESS

None

#### OTHER

None

There being no further business, the meeting was adjourned at 4:30 p.m.

## STAFF REPORT

June 16, 2016

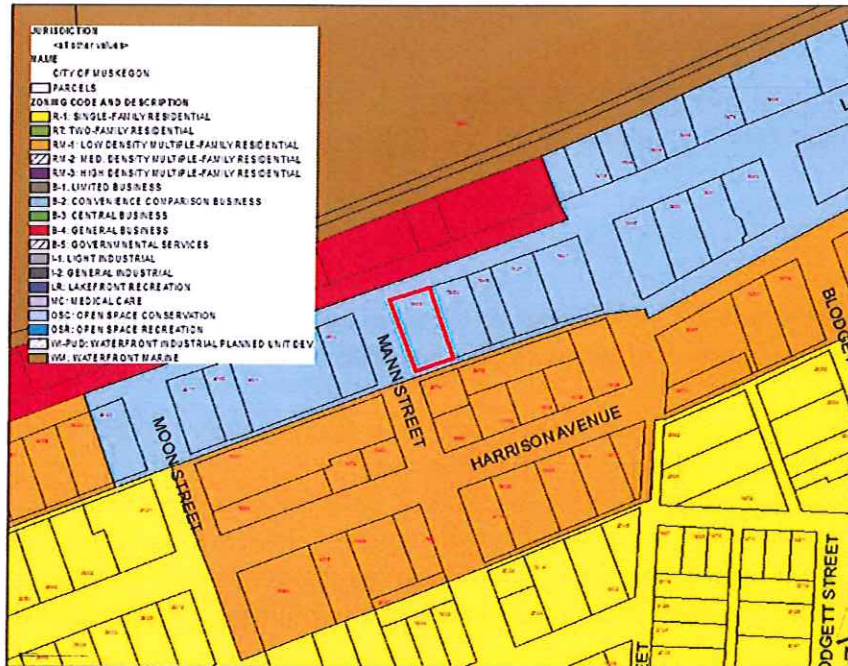
**Hearing, Case 2016-08:** Request for a special land use permit to allow a church in a B-2, Convenience & Comparison Business district at 1965 Lakeshore Dr, by The Table Church.

### **BACKGROUND**

1. The property is located in a B-2, Convenience & Comparison Business district.
2. Churches are allowed in these districts with the issuance of a Special Use Permit from Planning Commission.
3. The church would be located in a small space on the western corner of the building that hosts the Lakeshore Tavern, Lakeside Landing, Level 6 and others.
4. There are no other churches located in the general vicinity of this proposed location.
5. Parking is the biggest issue to be considered in this request. However, there are less than 39 seats in this church (see enclosed floor plan), which would require about six parking spaces. There are more than six spaces available for this tenant located behind the building (please see aerial map view on following pages).
6. Notice was sent to properties within 300 feet of this property. Staff has not received any comments at the time of this writing.



## Zoning Map



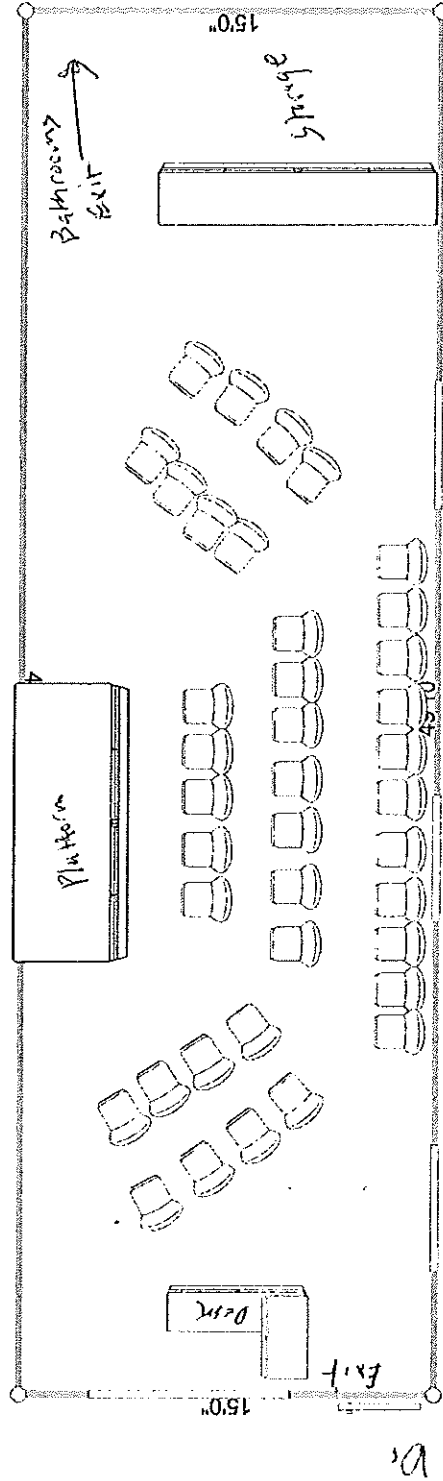
Aerial Map (parking area shown in blue)



## MOTION FOR CONSIDERATION

I move that the Special Land Use Permit for the church at 1965 Lakeshore Dr be (approved/denied) as proposed (*with the following conditions - if any*):

# The Table 1965 Lakeshore Dr Floor Plan



39 chairs, non permanent - stackable



Lakeshore



**Hearing, Case 2016-09:** Request for a special land use permit to allow a day center to provide programs in support of homeless families in an R-1, Single Family Residential district at 2160 Crozier Ave, by Family Promise of the Lakeshore.

## **BACKGROUND**

1. The property is located in an R-1, Single Family Residential district. It was most recently used by Lakeside Methodist Church.
2. Family Promise of the Lakeshore was approved for a Special Use Permit by the Planning Commission in August of 2013 for their location at 1275 Kenneth St. The building at 2160 Crozier Ave is being donated to Family Promise of the Lakeshore. They have already found a buyer for their location at 1275 Kenneth St that will perform the same type of services.
3. Churches, schools and other non-profit agencies are allowed to operate in R-1, Single Family Districts as long as they receive a Special Use Permit from the Planning Commission. The ordinance also states that other similar uses to these are allowed with a Special Use Permit. Staff determined that this use was similar enough to those uses to be allowed to petition for a Special Use Permit.
4. The services at the facility on Crozier Ave will be similar to the services available at their current location on Kenneth St. They will provide a day center for homeless families from the hours between 6am and 5pm. Families will be able to work with a social worker for guidance and advocacy in reaching their goals of employment and housing. They will also be offered life skill classes including budgeting, tenancy, parenting, nutrition and civic engagement. There will also be laundry services, showers and rooms for children to play while parents are participating with social workers. They have stated that there will be no overnight sleeping arrangements allowed on site and all families must leave by 5pm.
5. Please see the enclosed press release and floor plan. They plan to convert a few meeting rooms into family rooms, a laundry facility and restrooms and showers.
6. There has been some confusion from staff and the general public regarding the extent of this request. The applicant has stated that the use will be identical in use as the one they were approved for on Kenneth St. However, the location on Kenneth St was approved for overnight use, since they were charging rent and were located in an RM-1, Low Density Multiple Family Residential district, which allows for apartments, as long as they are paying rent and it is not considered transitional living. There was also an article in the newspaper last week that has caused some confusion in the neighborhood, as it stated that the organization allows families to spend the night in area churches, which is not allowed by our zoning ordinance, nor are any churches approved by building regulations for overnight stays. The applicant has since stated that none of these hosting churches are located in the City of Muskegon. If this request is approved, it will be important to include a condition that no one is allowed to stay overnight or use any of the rooms as dwelling places. Staff would like to make it known that enforcing the overnight stays would be extremely difficult, as it would be very hard to monitor activities after dark. Staff would also like to mention that we have never received any complaints regarding their location at 1275 Kenneth St.
7. Notice was sent to neighbors within 300 feet of this property. Staff has received some inquiries into what this request entails, however, we have only received one formal "against" recommendation from the owners of 2163 Harding Ave.

**Looking north from Crozier Ave**



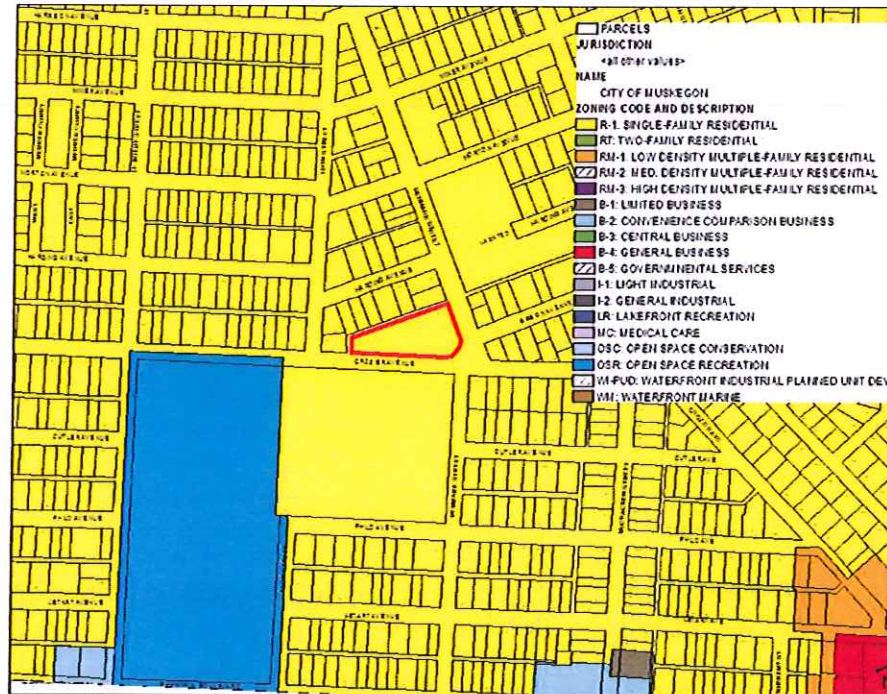
**Looking west from Denmark St.**



**Looking east from the parking lot**



## Zoning Map



## Aerial Map



## **MOTION FOR CONSIDERATION**

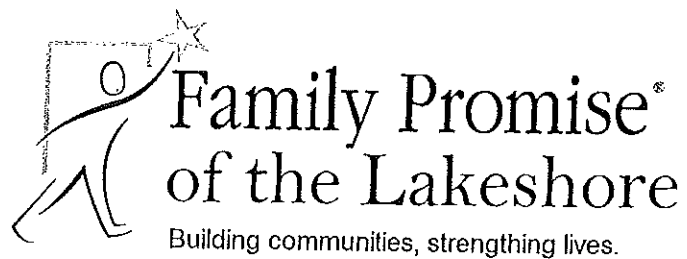
I move that the Special Land Use Permit for the day center to provide programs in support of homeless families at 2160 Crozier Ave be (approved/denied) as proposed with the following conditions:

1. The building is not used as a residence for anyone and there shall be no overnight accommodations allowed.

**Hearing, Case 2016-10:** Staff-initiated request to create a new zoning district, Lakefront Recreation & Residential PUD district.

1. Staff will be asking to table this hearing until the July meeting. However, we have included the proposed amendment for your review. Please make any comments you have to staff by June 30.

Termed, Executive Director  
p-lakeshore.org  
Promise of the Lakeshore  
3 Kenneth Street  
Muskegon, MI 49442  
231-747-8855



## PRESS RELEASE

For immediate release:

### Lakeside UMC's extraordinary gift will help homeless families

Muskegon, MI: On May 15, the congregations of Lakeside and Lake Harbor United Methodist churches merged. Then, in the spirit of giving, Lakeside UMC gifted their facility, at 2160 Crozier, to Family Promise of the Lakeshore. Both churches were active in founding Family Promise. Family Promise is a program and shelter for families experiencing homelessness. Lakeside UMC will hold its last service on June 5<sup>th</sup>. Modifications to the building, which include adding a family bathroom and a laundry room, will begin shortly after that.

Grateful for the gift, Family Promise looks forward to the move this summer with no interruption in service to families. The Crozier Street facility will offer significantly lower operating expenses as well as comfortable and safe surroundings for the families served by the agency. The new home for Family Promise will also allow for expansion of the number of families that can be served, space for fundraising activities and community meetings.

Family Promise, with a unique approach to homelessness, works with local churches who host the families for dinner and overnight one week at a time, four times per year. This gives the host church an opportunity to put their mission of helping the local community into action. There are currently 20 host and support churches with 1,000 volunteers. Family Promise invites interested churches and community groups to contact the agency.

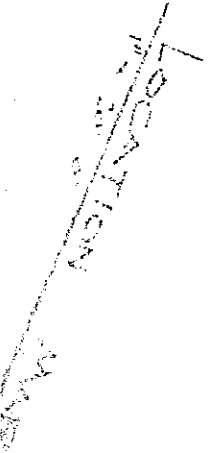
Families are at the Day Center from 6:00 a.m. till 5:00 p.m. with a social worker available for guidance and advocacy in reaching their goals of employment and housing. Life skills classes include Budgeting, Tenancy, Parenting, Nutrition, and Civic Engagement.

An open house will be held when renovations are complete at which time a memorial plaque recognizing the Lakeside UMC congregation's impact on families will be unveiled. Fundraising to cover the cost of building modifications are underway. Contributions can be sent to Family Promise at 1275 Kenneth St., Muskegon, MI 49442. Or call 231-747-8855 for more information.

###

Family Promise of the Lakeshore, founded in November, 2009, is a 501 (c)3 non-profit organization and part of a nationwide network of 200 agencies, with headquarters in New Jersey. Family Promise of the Lakeshore was established in response to a growing need to serve homeless families by keeping them together as a family unit while seeking to address housing and other issues. Family Promise of the Lakeshore has served 176 families with 560 family members for over 26,000 days of care. Family Promise of the Lakeshore has an 88% success rate.

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## **ARTICLE XX LAKEFRONT RECREATION & LIVING PUD**

### **PREAMBLE**

The Lakefront Recreation & Living PUD district is established primarily for recreational and higher density residential development along Muskegon Lake. The district is intended to promote the lake by offering water related recreational activities and multiple waterfront living options. It is the intent of this district to require planned unit developments for all projects to ensure a cohesive relationship between all uses. The planned unit development tool shall be applied to promote flexibility in development and to enhance functional relationships among uses in the district.

### **SECTION 2000: PERMITTED USES**

1. Marinas including the out of water seasonal storage of boats.
2. Seasonal recreational campgrounds and trailer parks.
3. Hotels, motels, sleeping inns, short term rentals and other facilities normally incidental thereto.
4. General retail.
5. Galleries and museums.
6. Offices of business, government, banking and other similar professions.
7. Indoor and outdoor live music concert halls and theaters.
8. Recreational sports facilities and fields.
9. Amusements and recreational facilities, including bowling alleys, skating rinks, miniature golf and other similar uses.
10. Private clubs, lodges, social and similar facilities.
11. Restaurants, bars, microbreweries, small wineries and small distilleries
12. Business schools, or private schools operated for profit such as dance schools, music and voice schools, and art studios.
13. Dense single family residential units.
14. Low, Medium and High Density Multiple Family units for any number of families.

15. Assisted Living Facilities, Convalescent Homes and other similar residential uses for the aged.

#### SECTION 2001: PROHIBITED USES

1. Manufacturing and industrial uses
2. Storage of aggregate
3. Salvage yards, ship scrapping, dismantling and wrecking operations
4. Auto service stations

#### SECTION 2002: REVIEW STANDARDS

The Planning commission shall approve, deny or modify planned unit development plans, based upon the site plan review standards of this ordinance and following standards below. Likewise, the City Commission shall approve, deny or modify final planned unit development plans (after review and recommendation by the Planning Commission) based upon the following standards:

1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience or of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
2. The uses proposed should be consistent with the land use plans adopted by the City.
3. The amount of open space provided is compatible with and meets the requirements of this ordinance, which the Planning Commission or City Commission may modify, even though such modifications do not conform to that required in other sections of this ordinance.
4. The amount of off-street parking areas is adequate, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
5. The amount of landscaping and buffering areas provided are compatible with and meet the requirements of this ordinance, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
6. The development standards listed below are set as a recommendation to plan for a cohesive balance between commercial, residential and recreational uses. These standards should be used as a baseline for the Planned Unit Development to create a functional district, however, as with all Planned Unit Developments, these standards may be altered when appropriate to create a cohesive development.

7. The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

#### SECTION 2003: COMMERCIAL, MIXED USE, MULTIPLE FAMILY RESIDENTIAL & HOTEL DEVELOPMENT STANDARDS

1. Minimum lot size: 10,890 sf
2. Maximum lot coverage: 75% (Buildings and pavement)
3. Lot width: 100 feet
4. Height limit: 12 stories
5. Front Setbacks: 10 feet
6. Rear Setback: 10 feet
7. Side setback: 10 feet
8. Zero lot line option: New principal buildings may be erected on the side lot lines provided:
  - a. The building has an approved fire rating for zero-lot line development under the building code.
  - b. The building has adequate fire access preserved pursuant to fire code requirements.
  - c. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
  - d. It is not adjacent to wetlands, or waterfront.
9. Dedicated public space requirement: all commercial and mixed use developments abutting Muskegon Lake shall have a dedicated public boardwalk the entire width of the parcel.

#### SECTION 2004: DENSE SINGLE FAMILY DEVELOPMENT STANDARDS

1. Minimum lot size: 4,000 sf
2. Maximum lot size: 5,000 sf
3. Maximum lot coverage:

- a. Buildings and pavement: 75%
- 4. Lot width:
  - a. Minimum: 32 feet
  - b. Maximum: 38 feet
- 5. Front Setbacks: 10 feet
- 6. Rear Setback: 10 feet
- 7. Side setback: 5 feet (chimneys and steps only required to have a 3 foot setback)
- 8. Height limit: 3 story or 45 feet.
- 9. Dedicated public space requirement: all single family developments abutting Muskegon Lake shall have a dedicated public boardwalk the entire width of the parcel.

SECTION 2005: RECREATIONAL CAMPING & TRAILER PARK DEVELOPMENT STANDARDS

- 1. Minimum lot size: 21,780 sq. feet.
- 2. Maximum lot coverage:
  - a. Buildings: 20%
  - b. Pavement: 15%
- 3. Lot width: 100 feet
- 4. Height limit: 2 stories or 35 feet.
- 5. Front Setbacks: 10 feet
- 6. Rear setback: 10 feet
- 7. Side setbacks: 10 feet
- 8. Zero lot line option: New principal buildings may be erected on side lot lines provided:
  - a. The building has an approved fire rating for zero-lot line development under the building code.

- b. The building has adequate fire access preserved pursuant to fire code requirements.
  - c. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
  - d. It is not adjacent to wetlands, or waterfront.
9. Dedicated public space requirement: Recreational camping and trailer park developments abutting Muskegon Lake are not required to have a dedicated public boardwalk the entire width of the parcel. Instead, a public bike lane shall be required around the interior perimeter of the parcel to connect the public to the lakefront from the public right of way.